

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S North Point Road *
and Wells Avenue * ZONING COMMISSIONER
3018 Wells Avenue *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Ramon Diaz, et ux * Case No. 95-328-A
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3018 Wells Avenue in the Battle Park subdivision in eastern Baltimore County. The Petition is filed by Ramon Diaz and Tammy F. Diaz, his wife, property owners. Variance relief is requested from the strict application of Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets, in lieu of the maximum permitted 36" height. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Ramon Diaz, property owner. There were no Protestants or other interested persons present.

At the public hearing, Mr. Diaz appeared to not understand the nature of the proceedings and the proof which was needed to be offered by him. Testimony elicited by this Zoning Commissioner from the Petition for Variance was that the subject property is a narrow, yet deep, lot located at the intersection of Old North Point Road and Wells Avenue. The property is zoned D.R.5.5 and is 12,180 sq. ft. in area. The site is improved with

ORDER RECEIVED FOR FILING
Date 5/17/95
By M. J. H. H. H.

an existing single family dwelling which fronts Wells Avenue. The Petitioner proposes constructing a 48" high fence along the front property line. As noted above, this fence is higher than the requirement.

When asked by the Zoning Commissioner for reasons which would justify the variance, Mr. Diaz responded that it was needed for privacy and protection. However, he was unable to explain how the additional height would aid in providing his property with more privacy. As to the protection claim, he indicated that the reason for the requested height was proposed to provide protection from children who might walk along Wells Avenue from a pet (large dog) that might be kept on the property. However, a follow up question to Mr. Diaz disclosed that he, in fact, does not own any dog at this time. However, he anticipates eventually acquiring such an animal.

The proposal was also reviewed by the member agencies of the Zoning Plans Advisory Committee. These agencies review the project and make recommendations to the Zoning Commissioner. The Office of Planning and Zoning recommends a denial of the request. They state that, "That it would not be unreasonable or unduly burdensome to erect a fence which complies with the BCZR." The Developer's Engineer Section stated a potential concern that the proposed fence not interfere with the line of sight at this corner. As noted above, the property is situated at the intersection of Wells Avenue and Old North Point Road. A high fence located on the corner of the property could impede a line of sight for motorists entering that intersection.

Variances are to be granted only upon the showing of special circumstances by the Petitioner that same are justified. They are not to be granted for matters of convenience, nor for speculative reasons. The

ORDER RECEIVED FOR FILING

Date

By

Petitioner carries the burden of producing testimony and evidence to justify the variance.

In this case, the Petitioner has failed to satisfy that burden. Although, perhaps, unfamiliar with the process, such unfamiliarity is not an excuse for the Petitioner's failure to present any compelling evidence in support of his request. For the foregoing reason, this Petition for Variance must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of May, 1995 that a variance from Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets, in lieu of the maximum permitted 36" height, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

COPIES OF THIS ORDER
5/17/95
M. G. G. G.



Petition for Variance

95-328-A
to the Zoning Commissioner of Baltimore County

for the property located at 3018 Wells Ave. 21219
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5 BCZR

To permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets in lieu of the maximum permitted 36" height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

① TO BUILD FENCE 12" HIGHER THAN PERMITTED
TO BE DISCUS AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MY DATE 3/20/95

321



Printed with Soybean Ink
on Recycled Paper



MICROFILMED

95-328-A

ZONING DESCRIPTION FOR 3018 WELLS AVE

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF N. POINT + WELLS WHICH IS 40 FEET WIDE AT THE DISTANCE OF 20 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTION STREET, ~~THE~~ OLD N. POINT RD. WHICH IS 30 FEET WIDE BEING LOT #8 IN THE SUBDIVISION OF BATTLE PARK AS RECORDED IN BALTO. CO. PLAT BOOK # 7 FOLIO #58 CONTAINING 12180 SQ. FEET ALSO KNOWN AS 3018 WELLS AVE AND LOCATED IN THE 15 ELECTION DISTRICT, 21 COUNCILMANIC DISTRICT.

321

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-378-A

District 152A

Date of Posting 4/1/95

Posted for: Variance

Petitioner: Ramon & Tommy Diaz

Location of property: 3018 Wells Ave, NW/4

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by MS [Signature]
Signature

Date of return: 4/7/95

Number of Signs: 1

2001 1000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-328-A
(Item 321)

3018 Wells Avenue
NW/S North Point and
Wells Avenue, 20' S of c/l
Old North Point Road
15th Election District

5th Councilmanic

Legal Owner(s):

Ramon Diaz and Tammy

F. Diaz

Hearing: Tuesday,

April 25, 1995 at 9:00

a.m. In Rm. 118, Old
Courthouse.

Variance to permit a 48-inch
high fence at the intersection of
a street and alley and the in-
tersection of two streets in lieu
of the maximum permitted 35
inches high.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations: Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
4/025 April 8.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

April 17, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on April 6, 1995.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

~~Resubmitted~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL
AREA

receipt
95-328-A

Account: R-001-6150

Number # 321

Date

3/20/95

DIAZ --- 3018 Walls Ave.

Taken by: JRF

010... VARIANCE ... \$50.00

080... SIGN ... \$35.00

\$85.00

RECEIVED
BALTIMORE COUNTY
MAY 11 1995

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 321
Petitioner: RAMON DIAZ, TAMMY F. DIAZ
Location: 3018 Wells Ave.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: RAMON DIAZ
ADDRESS: 3018 Wells Ave.
BALTO MD. 21219
PHONE NUMBER: 477 3811

MICROFILMED

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
April 6, 1995 Issue - Jeffersonian

Please forward billing to:

Ramon Diaz
3018 Wells Avenue
Baltimore, MD 21219
477-3811

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-328-A (Item 321)

3018 Wells Avenue

NW/S North Point and Wells Avenue, 20' S of c/l Old North Point Road

15th Election District - 5th Councilmanic

Legal Owner(s): Ramon Diaz and Tammy F. Diaz

HEARING: TUESDAY, APRIL 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 48-inch high fence at the intersection of a street and alley and the intersection of two streets in lieu of the maximum permitted 35 inches high.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 30, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-328-A (Item 321)
3018 Wells Avenue
NW/S North Point and Wells Avenue, 20' S of c/l Old North Point Road
15th Election District - 5th Councilmanic
Legal Owner(s): Ramon Diaz and Tammy F. Diaz
HEARING: TUESDAY, APRIL 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 48-inch high fence at the intersection of a street and alley and the intersection of two streets in lieu of the maximum permitted 35 inches high.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Ramon and Tammy Diaz

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 17, 1995

Mr. and Mrs. Ramon Diaz
3018 Wells Avenue
Baltimore, Maryland 21219

RE: Item No.: 321
Case No.: 95-328-A
Petitioner: Ramon Diaz, et ux

Dear Mr. and Mrs. Diaz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor


WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: April 10, 1995

SUBJECT: 3018 Wells Avenue

INFORMATION:

Item Number: 321
Petitioner: Ramon Diaz and Tammy Diaz
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicants request a Variance to permit a 4' high fence at the intersection of a street and an alley in lieu of the maximum permitted 3'.

Based on a review of the plat accompanying the Petition, it appears to staff that it would not be unreasonable or unduly burdensome to erect a fence which complies with the Baltimore County Zoning Regulations. The lot has sufficient area to accommodate a fence which does not result in a visual obstruction to vehicular traffic.

Unless the Bureau of Traffic Engineering comments that the request poses no traffic safety concerns, this office recommends the applicants' requests be denied.

Prepared by: Jeffrey W. Long
Division Chief: Cary Kerns
PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 4/3/95
ZAC Comments

DATE: 4/11/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

(321)
323
324
325
326
327
328.

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: April 10, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 10, 1995
Item No. 321

The Developers Engineering Section has reviewed the subject zoning item. The proposed fence shall not interfere with the line of sight.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/04/95

Arnold Fabian
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 3, 1995.

Item No.: SEE BELOW

Zoning Agenda: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 321, 322, 323, 324, 325,
326 & 327.

RECEIVED
APR 6 1995
ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE: 897-4881, MS-1102

cc: file





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-31-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 321 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**PETITION PROBLEMS
AGENDA OF APRIL 3, 1995**

#321 ---JRF

1. Property is in critical area (folder/petition not marked as such).

#322 --- JRA

1. Review information not completed on bottom of petition form.

#323 --- MJK

1. No attorney (see memo to hearing officer from Mitch).
2. No undersized lot papers in the folder.

#327 --- JJS

1. Wording on petition has wrong case number (should be 94-13-SPHA, not 94-135-SPHA; case number is correct on the plat).

2007
10/20/03

RE: PETITION FOR VARIANCE * BEFORE THE
3018 Wells Avenue, NW/S North Point and *
Wells Ave, 20' S of c/l Old North Point * ZONING COMMISSIONER
Road, 15th Election Dist., 5th Councilmanic *
Ramon and Tammy Diaz * OF BALTIMORE COUNTY
Petitioners * CASE NO. 95-328-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to Ramon and Tammy Diaz, 3018 Wells Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

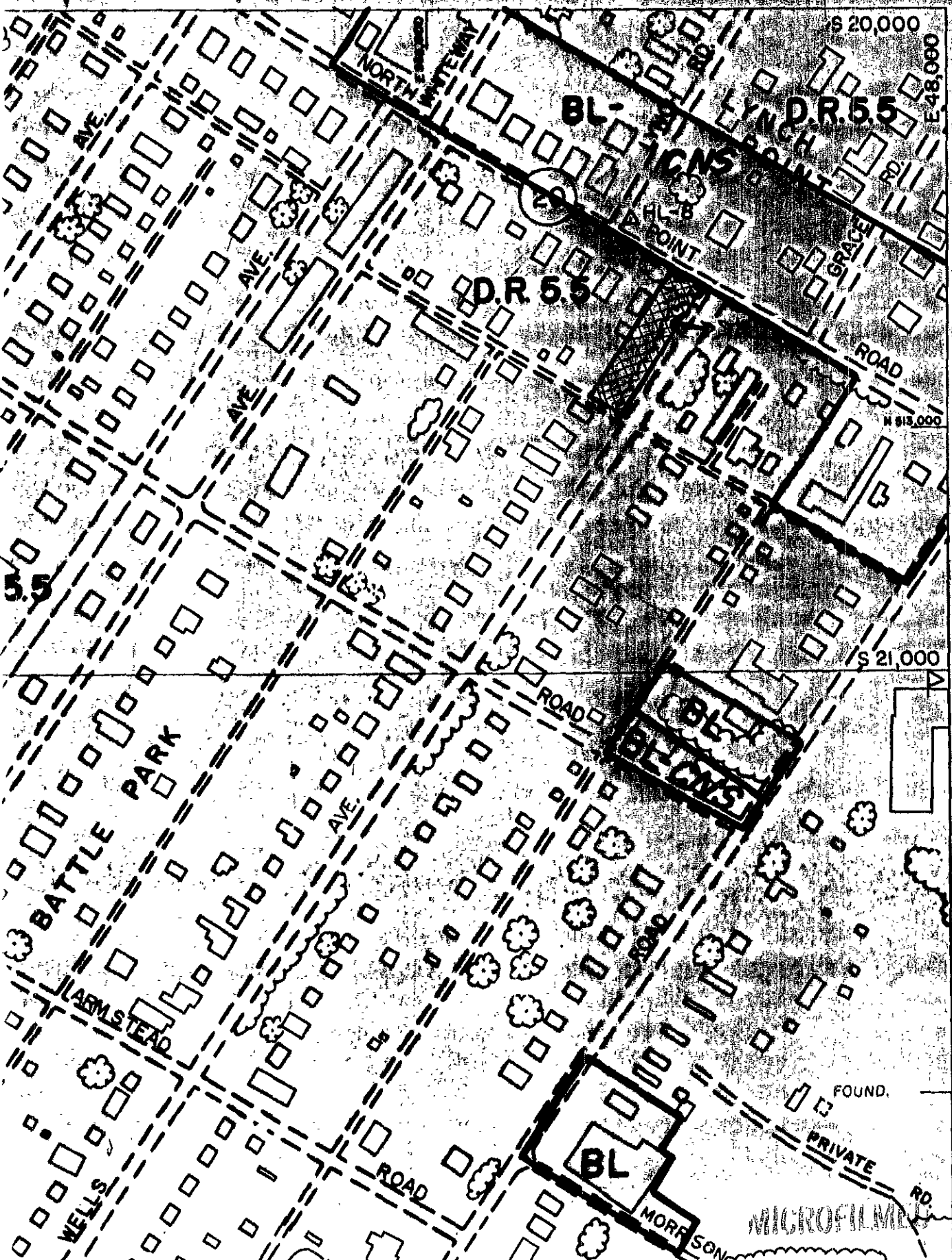
RECEIVED
APR 11 1995

ZADM

95-328-A

#321

SE 6-H 1"=200'



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3018 Wells Ave 21219

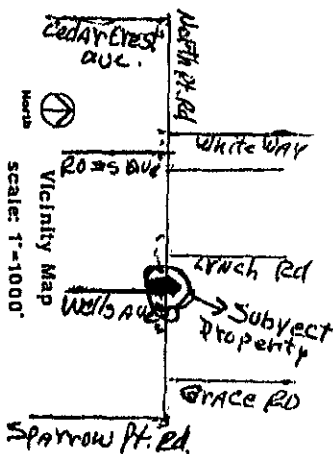
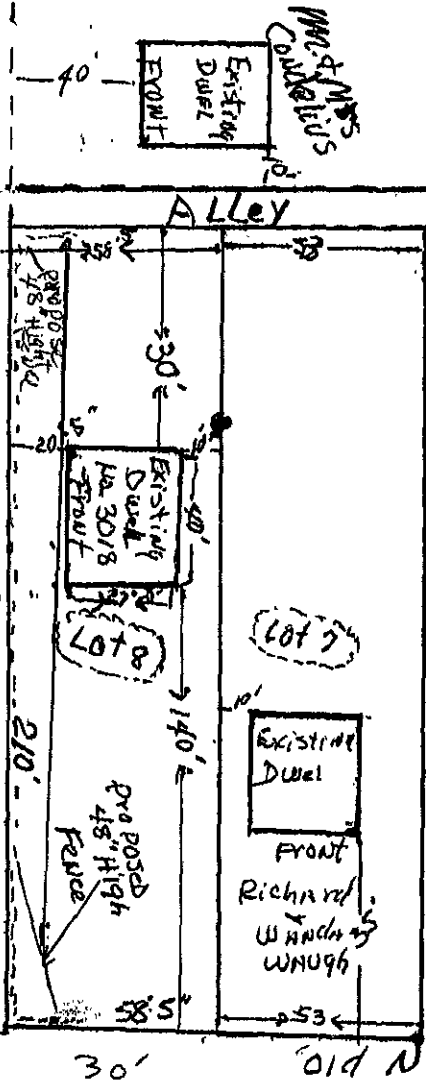
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BATTLE PARK

plat book # 7, folio # 58, lot # 8, section # 8

OWNER: Diaz Ramon + Tammy Frye

95-328-A



LOCATION INFORMATION

Election District 15
Councilmanic District 21

T=200' scale map: SE-10H

Zoning: DP S-5

Lot size: 585' x 20' 12180

acreage square feet

SEWER: ☒ Public ☐ Private

WATER: ☒ Yes ☐ No

Chesapeake Bay Critical Area: ☒ Yes ☐ No

Prior Zoning Hearings: 6/11/85

Case No. 85-351-A

Zoning Office USE ONLY

reviewed by: ITEM #: CASE#:

88 321

North

date: 3-15-95

prepared by: R.D.

Scale of Drawing: 1" = 50'

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 16, 1995

Mr. and Mrs. Ramon Diaz
3018 Wells Avenue
Baltimore, Maryland 21219

RE: Case No. 95-303-A
Petition for Zoning Variance
Property: 3018 Wells Avenue

Dear Mr. and Mrs. Diaz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

MICROFILMED



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S North Point Road * ZONING COMMISSIONER
and Wells Avenue *
3018 Wells Avenue * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 95-328-A
Ramon Diaz, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3018 Wells Avenue in the Battle Park subdivision in eastern Baltimore County. The Petition is filed by Ramon Diaz and Tammy F. Diaz, his wife, property owners. Variance relief is requested from the strict application of Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets, in lieu of the maximum permitted 36" height. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Ramon Diaz, property owner. There were no Protestants or other interested persons present.

At the public hearing, Mr. Diaz appeared to not understand the nature of the proceedings and the proof which was needed to be offered by him. Testimony elicited by this Zoning Commissioner from the Petition for Variance was that the subject property is a narrow, yet deep, lot located at the intersection of Old North Point Road and Wells Avenue. The property is zoned D.R.5.5 and is 12,180 sq. ft. in area. The site is improved with

an existing single family dwelling which fronts Wells Avenue. The Petitioner proposes constructing a 48" high fence along the front property line. As noted above, this fence is higher than the requirement.

When asked by the Zoning Commissioner for reasons which would justify the variance, Mr. Diaz responded that it was needed for privacy and protection. However, he was unable to explain how the additional height would aid in providing his property with more privacy. As to the protection claim, he indicated that the reason for the requested height was proposed to provide protection from children who might walk along Wells Avenue from a pet (large dog) that might be kept on the property. However, a follow up question to Mr. Diaz disclosed that he, in fact, does not own any dog at this time. However, he anticipates eventually acquiring such an animal.

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Petitioner carries the burden of producing testimony and evidence to justify the variance.

In this case, the Petitioner has failed to satisfy that burden. Although, perhaps, unfamiliar with the process, such unfamiliarity is not an excuse for the Petitioner's failure to present any compelling evidence in support of his request. For the foregoing reason, this Petition for Variance must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of May, 1995 that a variance from Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets, in lieu of the maximum permitted 36" height, be and is hereby DENIED.

LES/mnn

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 16, 1995

Mr. and Mrs. Ramon Diaz
3018 Wells Avenue
Baltimore, Maryland 21219

RE: Case No. 95-303-A
Petition for Zoning Variance
Property: 3018 Wells Avenue

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Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn
att.



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3018 WELLS AVE. 21219
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and as described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5 BCZR
To permit a 48" high fence at the intersection of a street and alley, and the intersection of two streets in lieu of the maximum permitted 36" height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BUILD FENCE 12" HIGHER THAN PERMITTED
TO BE DISCUS AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

ESTIMATED LENGTH OF HEARING

the following date: 3/10/95

REVIEWED BY: JLF DATE: 3/10/95

321

ZONING DESCRIPTION

95-328-A

ZONING DESCRIPTION FOR 3018 WELLS AVE
BEGINNING AT A POINT ON THE NORTHWEST
SIDE OF N. POINT + WELLS WHICH IS 40 FEET WIDE
AT THE DISTANCE OF 50 FEET SOUTH OF THE
CENTERLINE OF THE NEAREST IMPROVED INTERSECTION
STREET, ~~the~~ OLD N. POINT RD. WHICH IS 30 FEET WIDE
BEING LOT #8 IN THE SUBDIVISION OF BATTLE PARK
AS RECORDED IN BALTO. CO. PLAT BOOK # 7 FOLIO
#58 CONTAINING 12180 SQ. FEET ALSO KNOWN
AS 3018 WELLS AVE AND LOCATED IN THE 15
ELECTION DISTRICT, 21 COUNCILMANIC DISTRICT.

321

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1224 Date of Posting: 7/1/95
Posted for: Variance
Petitioner: Ramon Diaz, Tammy Diaz
Location of property: 3018 Wells Ave., NW/SE
Location of Sign: Along road along property being zoned
Remarks:
Posted by: [Signature] Date of return: 7/1/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 17, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 16, 1995

THE JEFFERSONIAN,
A. HENNINGSON
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 East Chesapeake Avenue
Towson, Maryland 21204

CRITICAL
AREA

receipt
95-328-A

Account: R-001-6150
Number: # 321

Date: 3/20/95

DIAZ ... 3018 Wells Ave.

Taken by: JRF

OIC ... VARIANCE ... \$ 50.00
OIC ... SIGN ... \$ 35.00
\$ 85.00

Please Make Checks Payable To: Baltimore County

Customer Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 321
Petitioner: Ramon Diaz, Tammy F. Diaz
Location: 3018 Wells Ave.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Ramon Diaz
ADDRESS: 3018 Wells Ave.
Baltimore Md. 21219
PHONE NUMBER: 477 3811

AG:ggs (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

TO: PUBLISHER PUBLISHING COMPANY
April 6, 1995 Issue - Jeffersonian

Please forward billing to:
Ramon Diaz
3018 Wells Avenue
Baltimore, MD 21219
477-3811

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-328-4 (Item 321)
3018 Wells Avenue
NW/8 North Point and Wells Avenue, 20' S of c/l Old North Point Road
15th Election District - 5th Councilmanic
Legal Owner(s): Ramon Diaz and Tammy F. Diaz
HEARING: TUESDAY, APRIL 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 48-inch high fence at the intersection of a street and alley and the intersection of two streets in lieu of the maximum permitted 35 inches high.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

March 30, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-328-4 (Item 321)
3018 Wells Avenue
NW/8 North Point and Wells Avenue, 20' S of c/l Old North Point Road
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Variance to permit a 48-inch high fence at the intersection of a street and alley and the intersection of two streets in lieu of the maximum permitted 35 inches high.

Arnold Jablon
Director

cc: Ramon and Tammy Diaz

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO Rm. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

April 17, 1995

RE: Item No.: 321
Case No.: 95-328-A
Petitioner: Ramon Diaz, et ux

Dear Mr. and Mrs. Diaz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
M. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 10, 1995

SUBJECT: 3018 Wells Avenue

INFORMATION:
Item Number: 321
Petitioner: Ramon Diaz and Tammy Diaz
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: 4/11

SUMMARY OF RECOMMENDATIONS:
The applicants request a Variance to permit a 4' high fence at the intersection of a street and an alley in lieu of the maximum permitted 3'.

Based on a review of the plat accompanying the Petition, it appears to staff that it would not be unreasonable or unduly burdensome to erect a fence which complies with the Baltimore County Zoning Regulations. The lot has sufficient area to accommodate a fence which does not result in a visual obstruction to vehicular traffic.

Unless the Bureau of Traffic Engineering comments that the request poses no traffic safety concerns, this office recommends the applicants' requests be denied.

Prepared by: Jeffrey M. Long
Division Chief: Campbell
PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM Joyce Watson DATE: 4/11/95

FROM: DEPRM Development Coordination

SUBJECT: Zoning Advisory Committee Agenda: 4/9/95
ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 321
323
324
325
326
327
328

LS:SP
LETTY2/DEPRM/TXTSPB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 10, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for April 10, 1995
Item No. 321

The Developers Engineering Section has reviewed the subject zoning item. The proposed fence shall not interfere with the line of sight.

RWB:aw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-4500 (410) 887-4500

DATE: 04/04/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Police & Court Office Building
Towson, MD 21204
MD 5000-1115

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF APR. 3, 1995.

Item No.: SEE BELOW Zoning Agenda: SEE BELOW

Section:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the contents below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 321, 322, 323, 324, 325, 326 & 327.

RECEIVED
APR 6 1995
ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-31-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 321 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS
AGENDA OF APRIL 3, 1995

#321 — JRF

1. Property is in critical area (folder/petition not marked as such).

#322 — JRA

1. Review information not completed on bottom of petition form.

#323 — MJK

1. No attorney (see memo to hearing officer from Mitch).
2. No undersized lot papers in the folder.

#327 — JJS

1. Wording on petition has wrong case number (should be 94-13-SPHA, not 94-135-SPHA; case number is correct on the plat).

RE: PETITION FOR VARIANCE
3018 Wells Avenue, NW/6 North Point and
Wells Ave, 20' S of c/l Old North Point
Road, 15th Election Dist., 5th Councilmanic
District
Ramon and Tammy Diaz
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-328-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

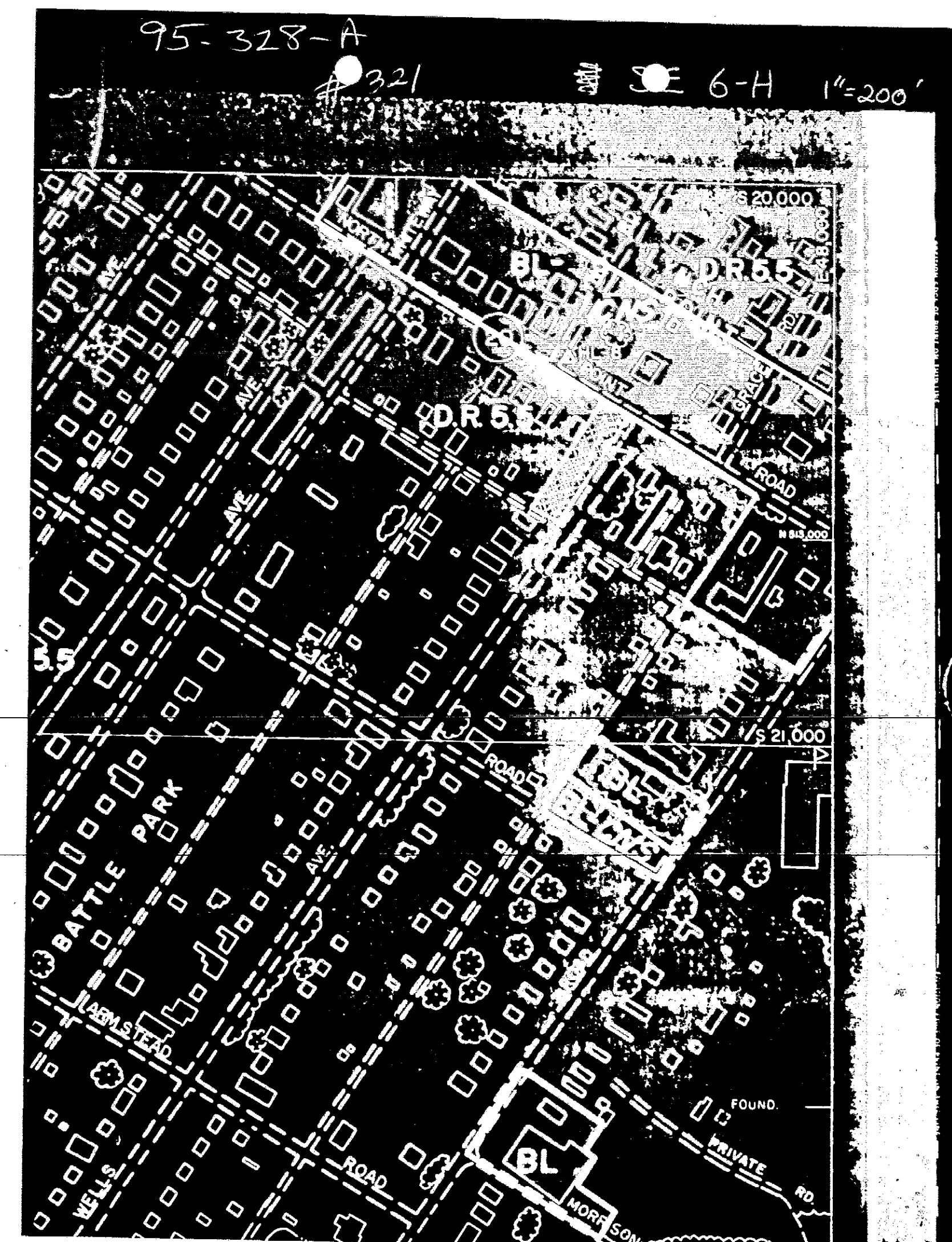
Carol S. Demilio
CAROL S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of April, 1995, a copy of the foregoing Entry of Appearance was mailed to Ramon and Tammy Diaz, 3018 Wells Avenue, Baltimore, MD 21219, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
APR 11 1995
ZADM



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3018 Wells Ave 21219 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BATTLE PARK

plat book 9, folio 58, lot 8, section 8

OWNER: DIAZ Ramon + Tammy Faye

95-328-A

Wells Ave (40' wide)

Scale of Drawing: 1" = 50'

North
date: 3/15/95
prepared by: R.D.

LOCATION INFORMATION

Election District: 15
Councilmanic District: 21
1"=200' scale map: SE-6H
Zoning: DE S 5
Lot size: 18' x 20' 12/30 square feet

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: 6/11/85
Case No. 85-351-A

Zoning Office USE ONLY!
Reviewed by: JH ITEM #: 321 CASE#: